United Nations CEDAW/C/GUY/Q/9

Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
Seventy-third session
1–19 July 2019
Item 4 of the provisional agenda
Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

List of issues and questions in relation to the ninth periodic report of Guyana

Visibility of the Convention

1. With reference to the previous recommendations of the Committee (CEDAW/C/GUY/CO/7-8, para. 9), please provide information on the impact of the awareness-raising activities targeting the judiciary and law enforcement officers. Please specify how the State party addressed the lack of awareness among women about the Convention, including in rural and hinterland areas and among Amerindian communities and by making use of Amerindian languages, and clarify the impact of the measures taken on the reporting of cases of discrimination against women, including cases of gender-based violence.

Legal status of the Convention

2. According to the report of the State party (CEDAW/C/GUY/9),[1] the Convention is incorporated into national law through the Fourth Schedule to the Constitution, which makes it fully enforceable (para. 23). Please comment on article 154 A (6) of the Constitution, providing for a possibility for the State party to "divest itself or otherwise limit the extent of its obligation" under the Fourth Schedule, and how it is compatible with the State party's obligations under the Convention, which it ratified without reservation. Please indicate whether the Convention has been invoked in courts and provide information on the number, nature and outcome of relevant cases.

[1] Unless otherwise indicated, paragraph numbers refer to the ninth periodic report of the State party.

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Definition of non-discrimination

3. Please clarify how the State party plans to incorporate into national legislation, including the Prevention of Discrimination Act, No. 26 of 1997, a definition of discrimination against women that prohibits indirect discrimination and intersecting forms of discrimination, in view of the State party's commitment to prevent discrimination on the basis of sexual orientation and gender identity (para. 27).

Access to justice

4. Please provide an update to the Committee on the State party's efforts to expand permanent magistrates' courts and legal aid provision to all regions, including the hinterland, and to regularly build the capacity of the judiciary on how to invoke or directly apply the Convention. With reference to the appointment of an Ombudsman in 2014, please provide the following information about the office of the Ombudsman: (a) guarantees of its independence; (b) human, financial and technical resources allocated; (c) activities undertaken to promote and protect women's rights; (d) whether it is mandated to consider complaints, including in relation to discrimination on the basis of gender; and (e) its eventual accreditation by the Global Alliance of National Human Rights Institutions. Please indicate the barriers affecting the operationalization of the Human Rights Commission and the measures being taken to address them.

National machinery for the advancement of women

5. Please clarify the difference between the mandates of the Women and Gender Equality Commission and the Gender Affairs Bureau and provide updated information on the activities undertaken by each entity, their impact and whether the human and financial resources allocated to each of them are commensurate with their respective mandates. Please indicate the measures taken to enhance the coordination of the activities of the various agencies involved in the advancement of women (para. 30). Please specify the steps taken to ensure that gender is systematically mainstreamed into the State party's legislation, policies and programmes and to establish indicators to measure discrimination on the basis of gender. Please clarify the status, time-bound goals and targets of the national gender policy and its plan of action (paras. 30, 39 and 49), the agency that is to be responsible for their implementation, monitoring and evaluation and the human, technical and the financial resources to be allocated for their effective implementation across all sectors and levels throughout the State party.

Temporary special measures

6. While noting the microcredit and training programmes targeting women who are single parents (paras. 42–44), it appears that the remaining programmes listed by the State party in the area of education do not specifically target women or girls. Please indicate whether the State party has taken, or intends to introduce, such measures as a quota system, targeted recruitment, hiring and promotion or outreach or support programmes to accelerate progress towards the achievement of substantive equality between women and men, including in employment, education and political and public participation, in particular with regard to rural and Amerindian women, and in the time frame therefor. Please specify the legislation or policy providing for the adoption of temporary special measures and the measures taken to raise awareness, in particular among government officials, employers and the general public, of the use and impact of temporary special measures.

Stereotypes and harmful practices

7. According to the report of the State party, "some cultural practices" are challenging to address due to the "value system" in some regions (para. 48). Please provide more details about such "cultural practices" and the "value system" and how the draft National Gender Policy will address them. Please clarify whether public education and awareness-raising programmes to challenge gender roles and promote gender equality have been expanded to rural, remote and hinterland areas and Amerindians. Please provide information about eventual monitoring and evaluation of the activities undertaken and the results thereof, in particular how the activities conducted have contributed to changing discriminatory gender stereotypes and patriarchal attitudes, how the results of the monitoring and evaluation were used to adjust the State party's action in those areas and to inform the drafting of the national gender policy.

8. Please describe how discriminatory gender stereotypes, patriarchal attitudes and harmful practices, such as child marriage, adolescent pregnancy and corporal punishment, are addressed in school and educational curricula and in the media. Please inform the Committee about the measures taken to engage boys and young men regarding family life and shared responsibilities.

Gender-based violence against women

9. Please explain how the State party intends to overcome the barriers to the effective implementation of the Sexual Offences Act 2010 and the Domestic Violence Act 1996, such as the low rates of reporting, investigation, prosecution and conviction in relation to cases of gender-based violence, including domestic and sexual violence, the lack of capacity and gender-sensitivity among the police and the judiciary and the stigmatization of victims resulting in underreporting. Please describe the impact of awareness-raising measures (para. 48) and the protocol for prevention of sexual violence (para. 58) on the reporting of cases of domestic and sexual violence. Please provide information on the measures taken to identify the causes of, and to curb and monitor, the particularly high incidence of gender-based violence against women in regions 3, 5 and 6 (para. 34) and the impact of measures to curb its prevalence. Please specify the root causes of gender-based violence against women identified in the study conducted by the United Nations Population Fund (para. 65) and how the State party has addressed them in its policy to prevent and combat gender-based violence against women and girls.

10. Please inform the Committee about the results of, and the lessons learned from, the implementation of the national policy on domestic violence for the period 2008–2013 and how they were reflected in the national plan of action for implementation of the Sexual Offences and Domestic Violence Acts, for the period 2014–2017. Please specify how coordination is ensured between the various agencies involved in preventing and combatting gender-based violence against women (paras. 28 and 58) to avoid unnecessary duplication of efforts. With regard to the first Sexual Offences Court, please provide information on: (a) its territorial and subject matter jurisdiction; (b) the number and nature of the cases processed; (c) the number of convictions and the penalties imposed; (d) its backlog of pending cases; (e) the human, financial and technical resources allocated to the Court; (f) how it will contribute to the effective prosecution of cases of gender-based violence against women; and (g) whether there are plans for the establishment of similar courts in other areas of the State party.

11. Please provide data on the number of victims of gender-based violence against women who received health-care services, psychosocial assistance and free legal aid. Please describe the steps taken to strengthen the number and capacity of shelters, in particular in hinterland areas (CEDAW/C/GUY/CO/7-8, para. 23), and to provide

sustainable accommodation to victims beyond the temporary, 24-hour period for which accommodation is offered (para. 64). Please provide statistical data on cases of all forms of gender-based violence against women, including domestic and sexual violence, disaggregated by sex, age, ethnicity, region and the relationship between victim and perpetrator.

Trafficking and exploitation of prostitution

12. Please inform the Committee about the outcome of the counter-trafficking action plan of 2014 and the measures taken to improve investigation, prosecution and conviction in trafficking cases and to address official complicity in, and the root causes of, trafficking (para. 50). Please clarify the efforts undertaken to build the capacity of the authorities, in particular in rural and remote areas, on victim identification and referral (CEDAW/C/GUY/CO/7-8, para. 25) and to train foreign service officials on trafficking. Please also provide information on the number of women and girls who are victims of trafficking who have been identified, the health-care services, psychosocial assistance, shelter and free legal aid provided to them and the plans to improve the provision of shelter, specifically outside of the capital and for women with children. Please also explain how the State party addresses the high prevalence of trafficking of women and girls in the mining sector.

13. Although procuring a woman or girl for sexual intercourse and prostitution is criminalized in Guyana under articles 72 and 73 of the Criminal Law (Offences) Act, please clarify whether engaging in prostitution is criminalized. Please provide data on reported cases of exploitation of prostitution. Please specify the measures taken to effectively address reports of police abuse against women engaged in prostitution, provide those women with confidential health care and ensure shelter and alternative sources of income for women wishing to leave prostitution.

Participation in public and political life

14. In 12 of 26 decision-making bodies, women represent between 12 and 26 per cent and they are not at all represented in the National Shipping Corporation and the Veterinary Board (annex 7, table 7). Please indicate the measures, such as temporary special measures, taken to ensure gender equality in all areas of public, political and professional life, including in decision-making bodies and in managerial positions, as well as in the armed and police forces, in particular with regard to the representation of Amerindian women. Please clarify how the State party addresses the factors deterring women from participation in public and political life, including limited training in the management of political campaigns, childcare facilities and financial resources. Please provide information on the awareness-raising efforts specifically aimed at promoting the role of women in political and public life and in decision-making positions in all fields (CEDAW/C/GUY/CO/7-8, para. 27).

Education

15. With reference to the report of the State party (annex D, table 15), please explain the causes of the lack of enrolment, specifically among girls, in technical and vocational education in regions 1, 7, 8 and 9 and how the State party plans to address it. Please also explain how the technical education programmes (paras. 79–81) specifically targeted girls and indicate the percentage of girls who benefitted from youth entrepreneurship training (para. 81) and career counselling regarding non-traditional paths in science-related professions (CEDAW/C/GUY/CO/7-8, para. 28). Please elaborate on the impact of the measures taken on the rate of enrolment of girls in technical and scientific degrees in vocational institutions and universities and access to employment for women in those areas and provide relevant statistics. Please

elaborate on the availability of inclusive education for women and girls with disabilities, including in rural, remote and hinterland areas.

16. Please provide data, disaggregated by sex and region, on the dropout rates at all levels of education and specify the measures taken to address the causes of dropout among girls at the secondary level, such as pregnancy, and to encourage their return to school. Please explain the impact that the practice of corporal punishment has on school attendance by girls and how the State party plans to address the "strongly held views" in favour of corporal punishment (para. 83) and to eradicate the practice (CEDAW/C/GUY/CO/7-8, para. 28–29). Please provide information on the extent of sexual harassment in school and indicate the measures being taken to address the phenomenon.

Employment

17. Please elaborate on the measures, such as temporary special measures, including quotas and incentives for employers, taken to promote the employment of women in the formal economy, specifically in the agricultural, technical and scientific sectors, which are traditionally dominated by men, and in management in general and in upper-level management positions. Please specify how the principle of equal pay for work of equal value is enforced and monitored and provide information on the results of such monitoring. Please specify the steps taken to identify, address the root causes of, and to curb unemployment among women (15.3 per cent, reportedly), to close the gender pay gap and to address the loss of skilled women in the workforce to emigration. Please provide statistical data on the participation of women, including Amerindian women, in the labour market in urban, rural and hinterland areas. Please specify progress made towards formalizing access to social security for women in the informal sector (para. 87), including unemployment benefits, and plans to ensure their access to a retirement scheme.

Health

18. In view of the persistently high national maternal and infant mortality rates, please provide information about their underlying causes and factors hindering their reduction. Please indicate the number of obstetricians and gynaecologists available in the State party in proportion to the number of women of child-bearing age, in particular in rural, remote and hinterland areas. Please provide data, disaggregated by sex and region, on the national prevalence of HIV/AIDS, malaria and tuberculosis, including among pregnant women, and measures being taken to address reported discrimination against HIV-positive women and girls.

19. Please provide information on the prevalence of adolescent pregnancy in the State party, disaggregated by age and region, and on the impact of the measures taken to reduce its prevalence. Please clarify whether the State party has undertaken a study or a survey to identify the root causes of adolescent pregnancy in order to inform its policy and how it plans to strengthen education on family planning and contraception. Please indicate whether a study or a survey was undertaken to identify the root causes of suicide among women and girls in the State party, the measures taken to reduce its prevalence and how the State party addressed challenges in those efforts, such as lack of qualified professionals and stigma associated with seeking mental health support.

Rural women

20. Please inform the Committee about the State party's efforts to improve access for women living in rural, hinterland and remote areas to basic services, in line with the Convention. Please elaborate on the programmes to eradicate discrimination against women that have contributed to the recognition of women as farmers

(para. 110), the efforts to address negative customs and traditional practices in rural and hinterland areas (para. 111), the measures taken to ensure the safe transportation of students, in particular women and girls, to education facilities and the plans to extend the "Boats, buses, bicycle, books and breakfast" project to all rural, hinterland and remote areas (para. 47). Please provide information on the participation of rural women in the development of policies affecting them. Please indicate the steps that have been taken to collect statistics to assess the situation of women living in rural, hinterland and remote areas.

Disadvantaged groups of women

21. With reference to the Committee's previous recommendations (CEDAW/C/GUY/CO/7-8, paras. 22–23), please provide detailed information on the State party's efforts to effectively address violence against lesbian, bisexual and transgender women and intersex persons and to decriminalize consensual adult same-sex relations. Please also inform the Committee about the progress made towards decriminalizing cross-dressing, addressing the reports of police harassment, arrest and verbal abuse of, violence against, and reluctance to record complaints of discrimination submitted by, lesbian, bisexual and transgender women and intersex persons. Please indicate the measures taken to improve access to health care and employment for lesbian, bisexual and transgender women and intersex persons and to address reported discrimination in those areas.

22. Considering the current presence of a high number of Venezuelan women and girls in need of international protection in Guyana, please elaborate on the measures taken with regard to Venezuelan women and girls with a view to ensuring access to housing, health care, education and income-generating opportunities, providing longer-term legal status solutions and effectively addressing reported discrimination, trafficking and sexual exploitation. Please also provide an update to the Committee on the State party's plans to develop and enforce an asylum procedure and ratify the 1951 Convention relating to the Status of Refugees and the 1967 Protocol thereto and the 1961 Convention on the Reduction of Statelessness.

Marriage and family relations

23. With reference to the Committee's previous recommendations (CEDAW/C/GUY/CO/7-8, para. 39), please provide information on the measures taken: to enforce the laws prohibiting child marriage, to establish mechanisms for the tracking and detection of such cases, to ensure that offenders are brought to justice, to collect data on the application of the Sexual Offences Act allowing for a child under 15 years of age to be married if a parent obtains judicial consent, to raise awareness of the negative effects of child marriage on the health and well-being of children and society at large, and to collect data on the number of complaints, investigations, prosecutions, convictions and penalties concerning violations of the minimum marriage age. Please inform the Committee of the plans to establish the minimum age of marriage at 18 years and the measures taken to amend the law to ensure that girls under 18 years of age do not enter into marriage, irrespective of whether they have obtained parental consent.